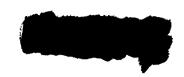
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SUZANNE MEYER PERRY
DIRECT DIAL NO.

857-2637 March 24, 1994

TELEPHONE (202) 857-2500

MAR 2 4 1991

Mr. William F. Caton Acting Secretary Federal Communications Commission 1919 M St., N.W. Wash., D.C. 20554

Re:

In the Matter of Review of the Commission's Regulations Governing

Television Broadcasting MM docket No. 91-221

WRITTEN EX PARTE PRESENTATION

Dear Mr. Caton:

On behalf of Broad Street Television, L.P., Cosmos Broadcasting Corporation, Guy Gannett Publishing Company, Evening Post Publishing Company, and River City Broadcasting, L.P., we transmit herewith Joint Comments in support of the Motion for Expedited Action filed on February 17, 1994, by A. H. Belo Corporation in the above-captioned rulemaking proceeding.

In accordance with the requirements of Section 1.1206(a)(1) of the Commission's Rules, two copies of this written ex parte communication are being submitted to the Secretary's office for inclusion in the public record in this proceeding.

Respectfully submitted,

Suzanne M. Perry

Suzanne M. Perry

SMP:car Enclosure

cc w/encl. By Hand:

The Honorable Reed Hundt
The Honorable Andrew C. Barrett
The Honorable James H. Quello
Roy Stewart, Esq.

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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

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In the Matter of) OFFICE OF SECRETARY

Review of the Commission's)
Regulations Governing) MM Docket No. 91-221
Television Broadcasting)

To: The Commission)

JOINT COMMENTS IN SUPPORT OF MOTION FOR EXPEDITED ACTION

BROAD STREET TELEVISION, L.P. COSMOS BROADCASTING CORPORATION GUY GANNETT PUBLISHING CO. EVENING POST PUBLISHING CO. RIVER CITY BROADCASTING, L.P.

DOW, LOHNES & ALBERTSON 1255 23rd Street, N.W. Washington, D.C. 20037 (202) 857-2637

Their Attorneys

Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of)				
Review of the Commission's Regulations Governing Television Broadcasting) } }	MM	Docket	No.	91-221
To: The Commission)				

JOINT COMMENTS IN SUPPORT OF MOTION FOR EXPEDITED ACTION

Broad Street Television, L.P., Cosmos Broadcasting Corporation, Guy Gannett Publishing Co., Evening Post Publishing Company and River City Broadcasting, L.P. ["Joint Parties"], 1 by their attorneys, submit these Joint Comments to express their strong support for the Motion filed on February 17, 1994, by A. H. Belo Corporation ["Belo"] seeking expedited action in the above-captioned rule making proceeding. 2

The Commission's Notice of Proposed Rulemaking sought comment on alternative means of lessening television broadcasters' regulatory burdens to facilitate their maximum

^{1/} The Joint Parties are licensees of television stations and thus have a tangible interest in proceedings affecting the Commission's rules which limit television station ownership.

^{2/} Review of the Commission's Regulations Governing Television Broadcasting, Notice of Proposed Rule Making, 7 FCC Rcd 4111 (1992) ("Notice").

participation in the multichannel video market. Among the options suggested, the Notice proposed to change the television duopoly rule's standard for prohibited overlap from the Grade B to the Grade A contour. Belo's Motion asked for expedited action herein, and at least adoption of this proposal. In doing so, Belo demonstrated that the radical changes in the video programming market had transformed television ownership regulations into a detrimental impediment to broadcasters' competitive participation in today's dynamic media marketplace, thus inhibiting their provision of services that advance the public interest.

The Joint Parties heartily endorse Belo's request. The Notice recognized, and the comments filed herein overwhelmingly agree, that many if not all television ownership restrictions have lost their policy justification: indeed, in today's diverse and competitive video marketplace, they are counterproductive. Belo's Motion not only confirmed this conclusion but demonstrated the pressing need for prompt action to take at least the minimum step of revising the television duopoly rule's overlap standard.

The television duopoly rule is an archaic restriction which was adopted and designed for a bygone media era. In today's diverse multimedia world, it unfairly

relegates television broadcasters to second-class status. And this, in turn, may deprive the public of the continued benefits of a strong free, over-the-air television industry.

The <u>Notice</u> explicitly recognized the duopoly rule's anachronistic nature. In proposing to change its overlap standard from the Grade B to Grade A contour, the Commission observed that

[t]his change would narrow the geographic area in which common ownership of television stations would trigger our rules to an area that more accurately reflects a station's core market. In addition, the rule revision would permit common ownership of stations in neighboring communities, thus facilitating increased operating efficiencies. 3

The Joint Parties submit that it is insufficient merely to acknowledge the benefits of the slight liberalization of television ownership restrictions associated with this small change in the duopoly rule's overlap standards: the Commission must also promptly adopt this change.

Although multichannel video providers enjoy multiple alternative paths to the home, television stations are limited to a single path. In such circumstances, the economies of scale and operational efficiencies which would be permitted by increased common ownership -- even to the limited extent associated with a change in overlap standards -- are critical

^{3/} Notice, 7 FCC Rcd at 4115 [footnote omitted].

to stations' continued competitive capability. Every day which goes by under current restrictions is another day on which over-the-air television's competitors speed further and further along the information superhighway. It is time that television broadcasters be permitted to begin their journey as well.

Conclusion

promptly to relieve its ownership rules' regulatory burden in order "...to preserve everywhere in the country strong, diverse, creative, free, over-the-air broadcast service."

Remarks of CHairman Reed Hundt to National Association of Broadcasters Convention (March 23, 1994). Although more comprehensive rule liberalizations are fully justified by the record in this proceeding, the Commission should at least start the process with the small step of changing in the duopoly rule's overlap standard to the Grade A contour. Broad Street Television, L.P., Cosmos Broadcasting Corporation, Guy Gannett Publishing Co., Evening Post Publishing Company and River City Broadcasting, L.P. join A. H. Belo Corporation in

urging prompt action in this proceeding to, at a minimum, adopt this change.

Respectfully submitted,

BROAD STREET TELEVISION, L.P. COSMOS BROADCASTING CORPORATION GUY GANNETT PUBLISHING CO. EVENING POST PUBLISHING CO. RIVER CITY BROADCASTING, L.P.

By: Kevin f. Reed / smf
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March 24, 1994